

222182



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

May 6, 2008

VIA E-Filing

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W., Room 1149
Washington, DC 20423-0001

**Re: Abandonment Exemption of the Roelyn Industrial Lead from M. P. 5.28 near
Roelyn to M. P. 8.05 near Somers, a distance of 2.77 miles in Calhoun and
Webster Counties, Iowa;
STB Docket No. AB-33 (Sub-No. 235X)**

Dear Ms. Quinlan:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 235X).
Enclosed is a credit authorization voucher in the amount of \$3,200.00 for the filing fee.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.

Enclosures

O:\Abandonments\33-235X\STB-Not-Ltr.doc

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 235X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN CALHOUN AND WEBSTER COUNTIES, IOWA
(ROELYN INDUSTRIAL LEAD)**

NOTICE OF EXEMPTION

UNION PACIFIC RAILROAD COMPANY

**Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX**

**Dated: May 6, 2008
Filed: May 6, 2008**

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 235X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN CALHOUN AND WEBSTER COUNTIES, IOWA
(ROELYN INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Roelyn Industrial Lead from Milepost 5.28 near Roelyn to Milepost 8.05 near Somers, a distance of 2.77 miles in Calhoun and Webster Counties, Iowa (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after June 25, 2008 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line.

Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from Milepost 5.28 near Roelyn to Milepost 8.05 near Somers, a distance of 2.77 miles. The Line is located in Calhoun and Webster Counties, Iowa.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A and hereby made a part hereof.**

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

**Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX**

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 50566 and 50586.

(e)(4) Rural and Community Impact. The Line was originally constructed by the Mason City & Fort Dodge Railway in 1901 through 1903. The Line now consists of 85-pound rail laid in 1925.

The abandonment of the Line will have no adverse effect on shippers. There has been no local traffic in the past two years, and there is no overhead traffic. No

complaint regarding cessation of service has been submitted, is pending, or has been ruled upon in favor of complainant in the past two years. After abandonment, the closest rail service would be provided by UP at Roelyn just east of the start point of the proposed abandonment. The closest service by another railroad would be provided at Rockwell City by Canadian National, approximately 10 highway miles from Somers. Somers lies about one mile via local roads from U.S. Highway 20, an east-to-west route. This road connects to U.S. 169, a north-to-south route, about 15 miles east of Somers.

UP does not believe the property proposed for abandonment is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission because the area is adequately served by existing roads and utility lines. It is possible that the Line could be suitable for interim trail use. The Line does not contain reversionary property. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

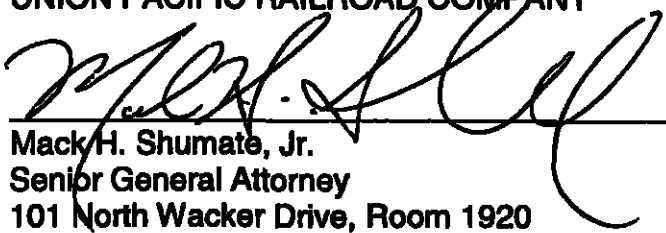
Environmental and Historic Report

A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Anne K. Quinlan, Section of Environmental Analysis (SEA), on February 22, 2008. There are no 50-year old or older structures affected by the proposed abandonment.

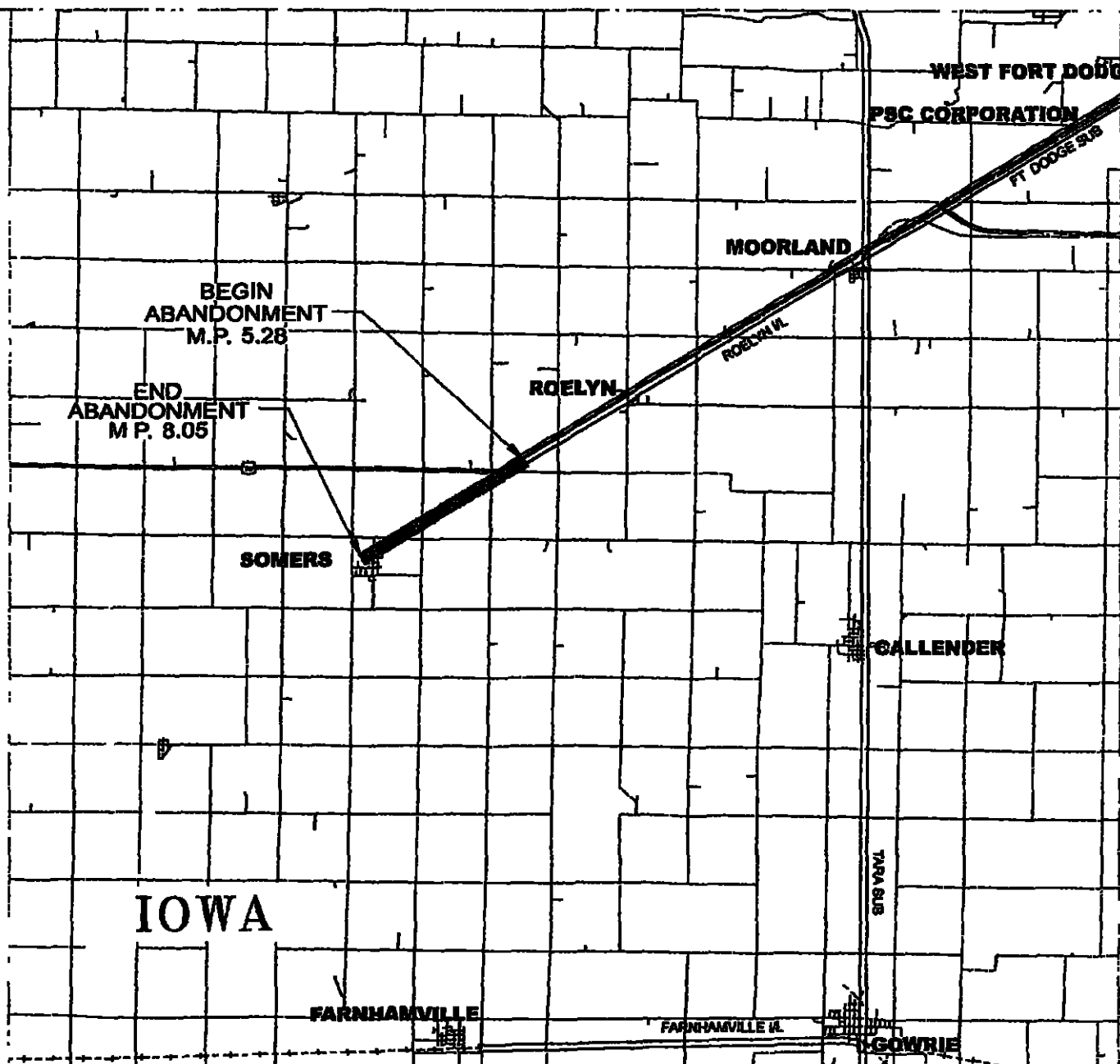
Dated this 6th day of May, 2008.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX



NOTE THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

ROELYN INDUSTRIAL LEAD

MP 5.28 TO MP 8.05
1.59 MILES IN CALHOUN COUNTY
1.18 MILES IN WEBSTER COUNTY
TOTAL OF 2.77 MILES

UNION PACIFIC RAILROAD CO.
ROELYN INDUSTRIAL LEAD
IOWA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE 0\abandonments\ab0356_roelyn8.dgn

DATE 07-Feb-08 11:36

AB-33(Sub-No.235X)

**UNION PACIFIC RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN CALHOUN AND WEBSTER COUNTIES, IOWA
(ROELYN INDUSTRIAL LEAD)**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on March 4, 2008 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Roelyn Industrial Lead from Milepost 5.28 near Roelyn to Milepost 8.05 near Somers, a distance of 2.77 miles in Calhoun and Webster Counties, Iowa in Docket No. AB-33 (Sub-No. 235X). Written notice (a copy of which is attached) was served on the following:

Mr. Steven R. McCann
Division for Community Progress
Iowa Department of Economic
Development
200 East Grand Avenue
Des Moines, IA 50309

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, NE 68102

Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Auditors Building
14th St. & Independence Ave., SW
Washington, DC 20250

Department of Defense
Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

49 C.F.R. § 1105.11—Environmental and Historic Report

The undersigned certifies that on February 25, 2008 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 235X) for abandonment and discontinuance of the Roelyn Lead in Calhoun and Webster Counties, Iowa on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

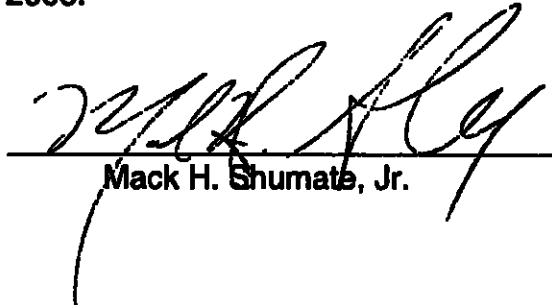
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in the counties in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Calhoun	<i>Manson Calhoun Journal</i>	April 10, 2008
Webster	<i>Fort Dodge Messenger</i>	April 10, 2008

Dated this 6th day of May, 2008.


Mack H. Shumate, Jr.

COPY



Mack H Shumate, Jr.
Senior General Attorney, Law Department

February 22, 2008

VIA U.P.S. OVERNIGHT

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

**Re: Abandonment Exemption of the Roelyn Industrial Lead from M.
P. 5.28 near Roelyn to M. P. 8.05 near Somers, a distance of
2.77 miles in Calhoun and Webster Counties, Iowa;
STB Docket No. AB-33 (Sub-No. 235X)**

Dear Ms. Quinlan:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after March 16, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Enclosures

O:\ABANDONMENTS\33-235X\STB-EHR.doc